

Critical phases and statutes applicable to:

District Court Commissioner

27 Total Citations

A victim of crime shall be treated by agents of the State with dignity, respect and sensitivity during all phases of the criminal justice process

Constitution of Maryland, Declaration of Rights, Article 47(a)

Definitions

3 Specific Statutory Provisions

Delinquent Acts

- *Definition of child respondent*

Criminal Procedure Article, § 11-101(a)&(b)

(a) In this title the following words have the meanings indicated.

(b) "Child respondent" means a person who:

- (1) in a petition filed in juvenile court, is alleged to have committed a delinquent act; or
- (2) has committed a delinquent act.

Domestic Violence

- *Definition of victim as it relates to domestic violence*

Family Law Article, § 4-513

In this Part III of this subtitle, "victim of domestic violence" means an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant, as defined in § 4-501 of this subtitle.

Sexual Assault/Prohibited Exposure

- *Definition of victim as it relates to HIV exposure/testing*

Criminal Procedure Article, § 11-107(f) & (g)

(f) (1) "Victim" means the victim of a prohibited exposure.

(2) "Victim" includes:

- (i) a law enforcement officer who is exposed to HIV while acting in the performance of duty; and
- (ii) a paid or volunteer firefighter, an emergency medical technician, or rescue squad member who is exposed to HIV while acting in the performance of duty.
- (iii) a forensic scientist, working under the direction of a law enforcement agency, who is exposed to HIV while acting in the performance of duty

(g) "Victim's representative" means:

- (1) the parent of a victim who is a minor;
- (2) the legal guardian of a victim; or
- (3) the person authorized to give consent for the victim under § 5-605 of the Health-General Article.

The statutes below generally apply to all critical phases and should be considered throughout the entire Criminal Justice process.

10 Specific Statutory Provisions

Fair Treatment

- *Guidelines - Definition of victim as it relates to fair treatment*
Criminal Procedure Article, § 11-1001(e)
(e) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as a result of a crime.

- *Guidelines - Information as to right of fair treatment*
Criminal Procedure Article, § 11-1002(a)
(a) The appropriate criminal justice unit should inform a victim of a crime, a victim's representative, or a witness of the guidelines listed in subsection (b) of this section.

- *Guidelines - Dignity, sensitivity and respect*
Criminal Procedure Article, § 11-1002(b)(1)
(b) A victim of a crime, victim's representative, or witness:
(1) should be treated with dignity, respect, courtesy, and sensitivity.

Fair Treatment - Delinquent Acts

- *Guidelines - Fair Treatment*
Criminal Procedure Article, § 11-1003(b)(1)
(b) A victim of a delinquent act, victim's representative, or witness:
(1) should be treated with dignity, respect, courtesy, and sensitivity.

Monetary Damages -- General

- *Guidelines - Information about services (financial assistance, CICB, etc.)*
Criminal Procedure Article, § 11-1002(b)(6)
(b) A victim of a crime, victim's representative, or witness:
(6) should be told by the appropriate criminal justice unit of financial assistance, criminal injuries compensation, and any other social services available to the victim of a crime or victim's representative and receive help or information on how to apply for services.

Monetary Damages -- General - Delinquent Acts

- *Guidelines - Information about services (financial assistance, CICB, etc.)*
Criminal Procedure Article, § 11-1003(b)(4)
(b) A victim of a delinquent act, victim's representative, or witness:
(4) should be told by the appropriate juvenile services unit of financial help, criminal injuries compensation, and any other social services available to the victim and receive help or information on how to apply for services.

The statutes below generally apply to all critical phases and should be considered throughout the entire Criminal Justice process.

Notification - Delinquent Acts

- *Guidelines - Notification of guidelines*
Criminal Procedure Article, § 11-1003(a)
(a) The appropriate juvenile services unit should tell a victim of a delinquent act, victim's representative, or witness of the guidelines listed in subsection (b) of this section.

Services

- *Guidelines - Receive medical treatment, Crisis intervention, etc.*
Criminal Procedure Article, § 11-1002(b)(2)
(b) A victim of a crime, victim's representative, or witness:
(2) should receive crisis intervention help, if needed, or be told by the appropriate criminal justice unit where crisis intervention help, emergency medical treatment, creditor intercession services, or other social services and counseling may be obtained.

Miscellaneous

- *Receive help, care and support provided by the State*
Criminal Procedure Article, § 11-802
(a) The General Assembly finds:
(1) that many innocent persons suffer personal physical or psychological injury or die because of crimes or delinquent acts or in their efforts to prevent them or apprehend persons committing or attempting to commit them;
(2) that these persons or their dependents may as a result suffer disability, incur financial hardships, or become reliant on public assistance; and
(3) that there is a need for government financial assistance for these victims.
(b) The policy of the State is that help, care, and support be provided by the State, as a matter of moral responsibility, for these victims.
- *Applicability of guidelines*
Courts and Judicial Proceedings Article, § 3-8A-34
The guidelines provided under § 11-1003 of the Criminal Procedure Article apply to victims and witnesses of delinquent acts.

In order to preserve and protect a victim's right to justice, each victim of a crime shall have the rights outlined below during critical stages of the criminal justice process

First contact with Victim

7 Specific Statutory Provisions

Health, Safety and Protection - Protection Orders

- *Filing for Protection Orders*

Family Law Article, § 4-504(a)

(a) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4-504.1 (a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

First contact with Victim

Health, Safety and Protection - Protection Orders

• *Filing for Temporary Protective order*

Family Law Article, § 4-504.1

- (a) A petition under this subtitle may be filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.
- (b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.
- (c) An interim protective order may:
 - (1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;
 - (2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;
 - (3) order the respondent to refrain from entering the residence of a person eligible for relief;
 - (4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:
 - (i) order the respondent to vacate the home immediately;
 - (ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and
 - (iii) subject to the limits as to a nonspouse specified in § 4-505(a) (2) (iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;
 - (5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;
 - (6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;
 - (7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief; or
 - (8) order the respondent to remain away from the residence of any family member of a person eligible for relief.
- (d) (1) (i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.
 - (ii) A temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order, unless the judge continues the hearing for good cause.
- (2) An interim protective order shall include in at least 10 point bold type:
 - (i) notice to the respondent that:
 - 1. the respondent must give the court written notice of each change of address;
 - 2. if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first class mail at the respondent's last known address;
 - 3. the date, time, and location of the final protective order hearing is tentative only, and subject to change; and
 - 4. if the respondent does not attend the temporary protective order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final protective order hearing;
 - (ii) a statement of all possible forms and duration of relief that a temporary protective order or final protective order may contain;
 - (iii) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary

First contact with Victim

Health, Safety and Protection - Protection Orders

- protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;
- (iv) a warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order; and
 - (v) the phone number of the Office of the District Court Clerk.
- (e) Whenever a commissioner issues an interim protective order, the commissioner shall:
- (1) immediately forward a copy of the petition and interim protective order to the appropriate law enforcement agency for service on the respondent; and
 - (2) before the hearing scheduled in the interim protective order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.
- (f) A law enforcement officer shall:
- (1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order; and
 - (2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk.
- (g) An interim protective order shall be effective until the earlier of:
- (1) the temporary protective order hearing under § 4-505 of this subtitle; or
 - (2) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.
- (h) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary protective order or final protective order.
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First contact with Victim

Health, Safety and Protection - Protection Orders

• *Duration of Temporary Orders*

Family Law Article, § 4-505

- (a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.
- (2) The temporary protective order may order any or all of the following relief:
 - (i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;
 - (ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;
 - (iii) order the respondent to refrain from entering the residence of a person eligible for relief;
 - (iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;
 - (v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;
 - (vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider; and
 - (vii) award temporary custody of a minor child of the person eligible for relief and the respondent.
- (b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer immediately shall serve the temporary protective order on the alleged abuser under this section.
- (2) A respondent who has been served with an interim protective order under § 4-504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first class mail at the respondent's last known address.
- (3) There shall be no cost to the petitioner for service of the temporary protective order.
- (c) (1) The temporary protective order shall be effective for not more than 7 days after service of the order.
- (2) The judge may extend the temporary protective order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection or for other good cause.
- (d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:
 - (1) (i) the respondent appears at the hearing;
 - (ii) the respondent has been served with an interim protective order; or
 - (iii) the court otherwise has personal jurisdiction over the respondent; and
 - (2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.
- (e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.
- (2) Whenever a local department receives a petition and temporary protective order from a court, the

First contact with Victim

Health, Safety and Protection - Protection Orders

local department shall:

- (i) investigate the alleged abuse as provided in:
 - 1. Title 5, Subtitle 7 of this article; or
 - 2. Title 14, Subtitle 3 of this article; and
- (ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

Notification

- *Duty of law enforcement officer to provide "Crime Victims and Witnesses..." brochure*
Criminal Procedure Article, § 11-104(b)
 - (b) On first contact with a victim or victim's representative, a law enforcement officer, District Court commissioner, or juvenile intake officer shall give the victim or the victim's representative the pamphlet described in § 11-914(9)(i) of this title.
- *Provide information about CICB when violent crime reported*
Criminal Procedure Article, § 11-807
 - (a) In this section, "law enforcement unit" means:
 - (1) the Department of State Police;
 - (2) the Police Department of Baltimore City;
 - (3) the police department, bureau, or force of a county;
 - (4) the police department, bureau, or force of a municipal corporation;
 - (5) the office of the sheriff of a county;
 - (6) the office of the State's Attorney for a county;
 - (7) the office of the Attorney General; or
 - (8) the office of the State Prosecutor.
 - (b) When a report of a violent crime is filed with a law enforcement unit, the law enforcement unit shall give to a victim of that violent crime written information that the Board supplies about compensation for victims.
 - (c) A failure to comply with this section is not grounds for any civil or criminal action against a law enforcement unit.

Notification - Domestic Violence

- *Notice of right to request filing of criminal charges*
Family Law Article, § 4-503(a)(2)
 - (a) A law enforcement officer who responds to a request for help under § 4-502 of this Part I of this subtitle shall give the victim a written notice that:
 - (2) states that:
 - (i) the victim may request that a District Court commissioner file a criminal charging document against the alleged abuser;
 - (ii) if the commissioner declines to charge the alleged abuser, the victim may request that the State's Attorney file a criminal charging document against the alleged abuser;
 - (iii) the victim may file in the District Court or a circuit court or, when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open, with a commissioner, a petition under this subtitle; and
 - (iv) the victim may obtain a copy of the incident report, as provided under § 4-503.1 of this Part I of this subtitle.

First contact with Victim

Notification - Domestic Violence

Notification - Sexual Assault/Prohibited Exposure

- *Responsibility for notifying victim of sexual assault crisis programs*

Criminal Procedure Article, § 11-113(c)

(c) The following shall notify a victim of prohibited exposure or the victim's representative of the provisions of Part II of this subtitle:

- (1) a sexual assault crisis program established under § 11-923 of this title when a victim or victim's representative contacts the program;
 - (2) an intake officer who receives a complaint for the alleged prohibited exposure under § 3-8A-10 of the Courts Article; or
 - (3) on the filing of a charging document or delinquency petition for the alleged prohibited exposure:
 - (i) the Department of State Police;
 - (ii) the Police Department of Baltimore City;
 - (iii) the police unit of a county;
 - (iv) the police unit of a municipal corporation;
 - (v) the office of the sheriff of a county;
 - (vi) the office of the State's Attorney of a county;
 - (vii) the office of the Attorney General;
 - (viii) the office of the State Prosecutor;
 - (ix) the Department of Juvenile Services; or
 - (x) the police unit of a bicounty unit or the University of Maryland.
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Health, Safety and Protection

- *Consideration for release of defendant/respondent and conditions of release*

Criminal Procedure Article, § 11-203

As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the court, a juvenile intake officer, or a District Court commissioner shall consider:

- (1) the safety of the alleged victim in setting conditions of:
 - (i) the pretrial release of a defendant; or
 - (ii) the prehearing release of a child respondent who is alleged to have committed a delinquent act; and
- (2) a condition of no contact with the alleged victim or the alleged victim's premises or place of employment.

Pre-trial/Pre-hearing**Health, Safety and Protection**

- *Consideration for release of defendant/respondent and conditions of release; no contact as condition of release*

Maryland Rules 4-216

- (a) If a defendant was arrested without a warrant, the judicial officer shall determine whether there was probable cause for the arrest. If there was probable cause, the judicial officer shall implement the remaining sections of this Rule. If there was no probable cause, the judicial officer shall release the defendant on personal recognizance, with no other conditions of release, and the remaining sections of this Rule are inapplicable.
- (b) In accordance with this Rule and Code, Criminal Procedure Article, §§ 5-101 and 5-201 and except as otherwise provided in section (c) of this Rule or by Code, Criminal Procedure Article, §§ 5-201 and 5-202, a defendant is entitled to be released before verdict on personal recognizance or on bail, in either case with or without conditions imposed, unless the judicial officer determines that no condition of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.
- (c) A defendant charged with an offense for which the maximum penalty is death or life imprisonment or with an offense listed under Code, Criminal Procedure Article, § 5-202 (a), (b), (c), (d), or (e) may not be released by a District Court Commissioner, but may be released before verdict or pending a new trial, if a new trial has been ordered, if a judge determines that all requirements imposed by law have been satisfied and that one or more conditions of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.
- (d) (1) In determining whether a defendant should be released and the conditions of release, the judicial officer shall take into account the following information, to the extent available:
 - (A) the nature and circumstances of the offense charged, the nature of the evidence against the defendant, and the potential sentence upon conviction;
 - (B) the defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings;
 - (C) the defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community, and length of residence in this State;
 - (D) any recommendation of an agency that conducts pretrial release investigations;
 - (E) any recommendation of the State's Attorney;
 - (F) any information presented by the defendant or defendant's counsel;
 - (G) the danger of the defendant to the alleged victim, another person, or the community;
 - (H) the danger of the defendant to himself or herself; and
 - (I) any other factor bearing on the risk of a willful failure to appear and the safety of the alleged victim, another person, or the community, including all prior convictions and any prior adjudications of delinquency that occurred within three years of the date the defendant is charged as an adult.
- (2) Upon determining to release a defendant to whom section (c) of this Rule applies or to refuse to release a defendant to whom section (b) of this Rule applies, the judicial officer shall state the reasons in writing or on the record.
- (3) If the judicial officer determines that the defendant should be released other than on personal recognizance without any additional conditions imposed, the judicial officer shall impose on the defendant the least onerous condition or combination of conditions of release set out in section (e) of this Rule that will reasonably:
 - (A) ensure the appearance of the defendant as required,
 - (B) protect the safety of the alleged victim by ordering the defendant to have no contact with the

Pre-trial/Pre-hearing

Health, Safety and Protection

- alleged victim or the alleged victim's premises or place of employment or by other appropriate order, and
- (C) ensure that the defendant will not pose a danger to another person or to the community.
- (4) The judicial officer shall advise the defendant in writing or on the record of the conditions of release imposed and of the consequences of a violation of any condition. When bail is required, the judicial officer shall state in writing or on the record the amount and any terms of the bail.
- (e) The conditions of release imposed by a judicial officer under this Rule may include:
- (1) committing the defendant to the custody of a designated person or organization that agrees to supervise the defendant and assist in ensuring the defendant's appearance in court;
 - (2) placing the defendant under the supervision of a probation officer or other appropriate public official;
 - (3) subjecting the defendant to reasonable restrictions with respect to travel, association, or residence during the period of release;
 - (4) requiring the defendant to post a bail bond complying with Rule 4-217 in an amount and on conditions specified by the judicial officer, including any of the following:
 - (A) without collateral security;
 - (B) with collateral security of the kind specified in Rule 4-217 (e) (1) (A) equal in value to the greater of \$100.00 or 10% of the full penalty amount, and if the judicial officer sets bail at \$2500 or less, the judicial officer shall advise the defendant that the defendant may post a bail bond secured by either a corporate surety or a cash deposit of 10% of the full penalty amount;
 - (C) with collateral security of the kind specified in Rule 4-217 (e) (1) (A) equal in value to a percentage greater than 10% but less than the full penalty amount;
 - (D) with collateral security of the kind specified in Rule 4-217 (e) (1) equal in value to the full penalty amount; or
 - (E) with the obligation of a corporation that is an insurer or other surety in the full penalty amount;
 - (5) subjecting the defendant to any other condition reasonably necessary to:
 - (A) ensure the appearance of the defendant as required,
 - (B) protect the safety of the alleged victim, and
 - (C) ensure that the defendant will not pose a danger to another person or to the community; and
 - (6) imposing upon the defendant, for good cause shown, one or more of the conditions authorized under Code, Criminal Law Article, § 9-304 reasonably necessary to stop or prevent the intimidation of a victim or witness or a violation of Code, Criminal Law Article, § 9-302, 9-303, or 9-305.
- (f) (1) A defendant who is denied pretrial release by a commissioner or who for any reason remains in custody for 24 hours after a commissioner has determined conditions of release pursuant to this Rule shall be presented immediately to the District Court if the court is then in session, or if not, at the next session of the court. The District Court shall review the commissioner's pretrial release determination and take appropriate action. If the defendant will remain in custody after the review, the District Court shall set forth in writing or on the record the reasons for the continued detention.
- (2) If the defendant is a child whose case is eligible for transfer to the juvenile court pursuant to Code, Criminal Procedure Article, § 4-202(b), the District Court, regardless of whether it has jurisdiction over the offense charged, may order that a study be made of the child, the child's family, or other appropriate matters. The court also may order that the child be held in a secure juvenile facility.
- (g) When conditions of pretrial release have been previously imposed in the District Court, the conditions continue in the circuit court unless amended or revoked pursuant to section (h) of this Rule.
- (h) After a charging document has been filed, the court, on motion of any party or on its own initiative and

Pre-trial/Pre-hearing

Health, Safety and Protection

after notice and opportunity for hearing, may revoke an order of pretrial release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court shall state the reasons for its action in writing or on the record. A judge may alter conditions set by a commissioner or another judge.

- (i) In order to eliminate unnecessary detention, the court shall exercise supervision over the detention of defendants pending trial. It shall require from the sheriff, warden, or other custodial officer a weekly report listing each defendant within its jurisdiction who has been held in custody in excess of seven days pending preliminary hearing, trial, sentencing, or appeal. The report shall give the reason for the detention of each defendant.
- (j) A court may issue a bench warrant for the arrest of a defendant charged with a criminal offense who is alleged to have violated a condition of pretrial release. After the defendant is presented before a court, the court may (1) revoke the defendant's pretrial release or (2) continue the defendant's pretrial release with or without conditions.
- (k) Title 5 of these rules does not apply to proceedings conducted under this Rule.

Health, Safety and Protection - Peace Orders

- *Disclosure of address and phone number*

Courts and Judicial Proceedings Article, § 3-1503(b)&(c)

- (b) (1) The petition shall:
 - (i) Be under oath and provide notice to the petitioner that an individual who knowingly provides false information in the petition is guilty of a misdemeanor and on conviction is subject to the penalties specified in subsection (d) of this section;
 - (ii) Subject to the provisions of subsection (c) of this section, contain the address of the petitioner; and
 - (iii) Include all information known to the petitioner of:
 - 1. The nature and extent of the act specified in subsection (a) of this section for which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting from an act specified in subsection (a) of this section by the respondent;
 - 2. Each previous and pending action between the parties in any court; and
 - 3. The whereabouts of the respondent.
- (c) If, in a proceeding under this subtitle, a petitioner alleges, and the commissioner or judge finds, that the disclosure of the address of the petitioner would risk further harm to the petitioner, that address may be stricken from the petition and omitted from all other documents filed with the commissioner or filed with, or transferred to, a court.

Pre-trial/Pre-hearing

Health, Safety and Protection - Peace Orders

- *Issuance of Interim Peace Order*

Courts and Judicial Proceedings Article, § 3-1503.1(a)(b)(d)(h)&(i)

(a) A petition under this subtitle may be filed with a commissioner when the Office of the District Court Clerk is not open for business.

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503 (a) of this subtitle against the petitioner, the commissioner may issue an interim peace order to protect the petitioner.

(d) (1) (i) An interim peace order shall state the date, time, and location for the temporary peace order hearing and a tentative date, time, and location for a final peace order hearing.

(ii) A temporary peace order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim peace order, unless the court continues the hearing for good cause.

(2) An interim peace order shall include in at least 10-point bold type:

(i) Notice to the respondent that:

1. The respondent must give the court written notice of each change of address;

2. If the respondent fails to appear at the temporary peace order hearing or any later hearing, the respondent may be served with any other orders or notices in the case by first-class mail at the respondent's last known address;

3. The date, time, and location of the final peace order hearing is tentative only, and subject to change;and

4. If the respondent does not attend the temporary peace order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final peace order hearing;

(ii) A statement of all possible forms and duration of relief that a temporary peace order or final peace order may contain;

(iii) Notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary peace order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) A warning to the respondent that violation of an interim peace order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim peace order; and

(v) The phone number of the Office of the District Court Clerk.

(h) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary peace order or final peace order.

(i) An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

Pre-trial/Pre-hearing

Health, Safety and Protection - Peace Orders

- *Scope of Interim Peace Order*

Courts and Judicial Proceedings Article, § 3-1503.1(c)

(c) An interim peace order:

- (1) Shall contain only the relief that is minimally necessary to protect the petitioner; and
- (2) May order the respondent to:
 - (i) Refrain from committing or threatening to commit an act specified in § 3-1503 (a) of this subtitle against the petitioner;
 - (ii) Refrain from contacting, attempting to contact, or harassing the petitioner;
 - (iii) Refrain from entering the residence of the petitioner; and
 - (iv) Remain away from the place of employment, school, or temporary residence of the petitioner.

- *Service of Interim Peace Order*

Courts and Judicial Proceedings Article, § 3-1503.1(e)

(e) Whenever a commissioner issues an interim peace order, the commissioner shall:

- (1) Immediately forward a copy of the petition and interim peace order to the appropriate law enforcement agency for service on the respondent; and
- (2) Before the hearing scheduled in the interim peace order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

Privacy

- *When victim's address and phone number may be withheld pretrial/prehearing*

Criminal Procedure Article, § 11-205

On request of the State, a victim of or witness to a felony or delinquent act that would be a felony if committed by an adult, or a victim's representative, a judge, State's Attorney, District Court commissioner, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim's representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.
